

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ARETHA LYNN ANDERSON

PLAINTIFF

V.

NO. 3:14CV00275-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER

Before the Court is “Plaintiff’s Attorney’s Preliminary Motion for an Award of Attorney Fees Under 42 U.S.C. Section 406(b)” [22]. To the extent Plaintiff’s counsel seeks to preserve the viability of a future claim for fees in the event Plaintiff is awarded benefits by the Social Security Administration on remand, the Commissioner does not oppose the motion. Accordingly, the motion is hereby GRANTED in this limited respect, and Plaintiff must file any request for an award of attorney’s fees under § 406(b) in this Court within **45 days** of the claimant’s receipt of any notice of award from the SSA. *See Charlton v. Astrue*, No. 3:10-cv-56-O-BH, 2011 WL 6325905, at *2 (N.D. Tex. Nov. 22, 2011) (accepting a 406(b) petition as timely in the court’s discretion where petition was filed within a reasonable time of the notice of disability award and did not prejudice the plaintiff); *Daigle v. Social Security Administration*, No. 062393, 2010 WL 3522389, at 3 (W.D. La. Aug. 31, 2010) (exercising discretion to find 406(b) petition not untimely where timing of petition was not unreasonable and no prejudice to SSA or claimant).

SO ORDERED this 1st day of September, 2015.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE